

Application Serial No. 10/678,182
Reply to Office Action dated May 25, 2006

JUN 16 2006

REMARKS/ARGUMENTS

On page 2 of the Office Action issued in connection with the above-identified U.S. patent application, the Examiner sets forth a restriction requirement between claims 1-18 directed to a vending machine and claims 19-23 directed to a method of operating a vending machine. The Examiner argues that claims 1-18 and 19-23 are related as an apparatus and a process for the practice of the apparatus. As stated in the M.P.E.P., inventions are distinct if it can be shown that either (1) the process as claimed can be practiced by another materially different apparatus or (2) the apparatus as claimed can be used to practice another materially different process. In this case, the Examiner reasons that the vending machine defined by claims 1-18 may be used to vend beverages while the method of operating a vending machine outlined by claims 19-23 may be used to recognize the presence of medical inventory within a storage location. While the Applicant is unclear how the Examiner came to the conclusion that a method of operating a vending machine can be used to recognize the presence of medical inventory within a storage location, in order to fully comply with the provisions of the M.P.E.P., the Applicant elects, without traverse, to continue prosecution on claims 1-18. Of course, the Applicant reserves the right to file a divisional application on the non-elected subject matter.

If the Examiner should have any additional questions or concerns regarding this matter, he is cordially invited to contact the undersigned at the number provided below.

Respectfully submitted,



Everett G. Diederiks, Jr.
Attorney for Applicant
Reg. No. 33,323

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DIEDERIKS & WHITELAW, PLC
12471 Dillingham Square, #301
Woodbridge, VA 22192
Tel: (703) 583-8300 Fax: (703) 583-8301